

**Notice of Allowability**

Application No.

10/699,096

Examiner

Darren W. Ark

Applicant(s)

WYERS, PHILIP W.

Art Unit

3643

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief filed 3/4/2006 & Telephone Interview on 3/14/2006.
2. ☒ The allowed claim(s) is/are 1-7 and 9-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

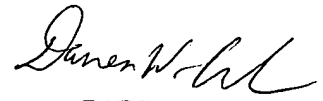
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☒ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**DARREN W. ARK**  
**PRIMARY EXAMINER**

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael R. Henson and John W. Carpenter on Wednesday, March 14, 2006.

The application has been amended as follows:

Specification:

Page 18, line 23, inserted --and the distance between the movable closure 50 and the downstream end portion of housing 20 remains unchanged during evacuation of air from the housing 20-- after "Figure 3(b)".

Page 19, line 17, inserted -- The length of the housing from the compression chamber 70 to the upstream end portion of housing 20 remains unchanged during creation of air pressure within the upstream region 25.-- after "closure 50."

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Claims:

Claim 1. A method of capturing insects, comprising:

(a) providing an elongated housing having an effective length and a sidewall which extends between an upstream end and a downstream end to substantially surround a housing interior, said housing constructed to permit airflow between said upstream end and said downstream end, while impeding passage of insects therebetween;

(b) providing a movable closure at an upstream end portion of said housing, with said movable closure being biased into a closed position hindering access to the housing interior through said upstream end;

(c) evacuating air from said housing, while retaining the movable closure in the closed position, thereby to establish a potential vacuum source within the housing interior, and whereby a distance between the movable closure and the downstream end remains unchanged during evacuation of the air;

(d) placing said movable closure proximate to a target insect; and

(e) creating air pressure within the upstream end portion of said housing that is less than ambient pressure at the upstream end whereby ambient air is drawn into the housing interior at a sufficient flow to cause said movable closure to move into an open position to thereby ~~to~~ create an entryway into the upstream end portion ~~region~~ from the upstream end and to draw the insect into the upstream end portion ~~region~~ to be trapped therein when the movable closure returns to the closed position.

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Claim 7. A method of capturing insects, comprising:

(a) providing an elongated housing having a sidewall which substantially surrounds a housing interior and which is partitioned into an upstream region and a downstream region, whereby airflow is permitted between said upstream and downstream regions while passage of insects therebetween is impeded;

(b) providing a movable closure at an upstream end portion of said housing, with said movable closure being biased into a closed position to hinder access to said upstream region from said upstream end;

(c) providing a compression chamber at a downstream end portion of said housing;

(d) evacuating air through said sidewall at the downstream region of said housing by compressing said compression chamber into a compressed position, thereby to establish a potential vacuum source within the housing interior;

(e) placing said movable closure proximate to a target insect; and

(f) creating air pressure within the upstream region of the housing interior that is less than ambient pressure at the upstream end portion, whereby ambient air is drawn into the housing interior at a sufficient flow to cause said movable closure to move into an open position, thereby to create an entryway into the upstream region from the upstream end portion and to draw the insect into the upstream region to be trapped therein when the movable closure returns to the closed position, whereby a length of the housing from the compression chamber to the upstream end portion remains unchanged during the step of creating air pressure.

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Claim 18, line 2, replaced "region" with --end portion--.

2. The following is an examiner's statement of reasons for allowance:

In regard to claim 1, the prior art of record does not disclose a method of capturing insects, comprising a distance between the movable closure and the downstream end remains unchanged during evacuation of the air.

In regard to claim 7, the prior art of record does not disclose a method of capturing insects comprising a length of the housing from the compression chamber to the upstream end portion remains unchanged during the step of creating air pressure.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (571) 272-6885. The examiner can normally be reached on M-Th, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Darren W. Ark  
Primary Examiner  
Art Unit 3643

DWA